

DANIEL LAW PLLC

December 23, 2020

The Honorable Jesse M. Furman
United States District Judge
United States District Court
for the Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Filed through ECF

Re: Bright Kids NYC, Inc. v. Taylor Kelly *et al.*, No. 19-cv-1175-JMF (SDNY),
Joint Letter Motion to Adjourn Initial Pretrial Conference Scheduled for
January 6, 2021 to January 20, 2021

Dear Judge Furman:

The parties in this case jointly submit this letter motion to adjourn the Initial Pretrial Conference now scheduled for January 6, 2021 for two weeks to January 20, 2021, or a subsequent date consistent with the Court's calendar, pursuant to Your Honor's Individual Rules 1(E) and 3(A), and the Notice of Initial Pretrial Conference dated February 9, 2019 (Dkt. 2).

I am counsel for defendants Taylor Kelly and Lecture Lab. Counsel for all parties have conferred and agree that this adjournment is necessary and appropriate so that the parties can confer on the issues of possible settlement and to address all the other issues required to prepare the joint status letter and proposed case management plan required by Your Honor's order dated November 24, 2020.

The Court's Opinion and Order dated November 24, 2020 dismissed all claims against defendant Adams except the Lanham Act claim, dismissed Kelly's and Lecture Labs' amended counterclaims for lack of jurisdiction, and denied plaintiff's motion to strike (Dkt. 91).

Plaintiff's amended complaint contains the following claims against defendants Kelly, Javed, and/or Lecture Lab: federal claims of civil RICO; copyright infringement; DMCA violations; and trademark infringement; plus state claims of misappropriation of trade secrets; tortious interference; fraudulent billing; conversion; *prima facie* tort; breach of contract; breach of fiduciary duty; unfair competition; unjust enrichment; constructive trust; and accounting; and also seeks a declaratory judgment and injunctive relief.

As required by Individual Rule 1(E), we provide the following information:

1. No prior requests for adjournment of the Initial Pretrial Conference scheduled for January 6, 2021 have been filed by any party. Prior dates for this Conference have been

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adjourned by the Court in light of the parties' prior motions and amendments regarding the pleadings.

2. Thus, no such requests were denied or granted as to this January 6, 2021 conference.

3. Not applicable.

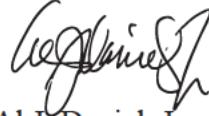
4. This short adjournment is necessary because counsel need additional time to consult with their clients and one another to discuss possible settlement, as required, and to discuss and agree on multiple issues necessary to prepare the joint status letter and proposed case management plan, which must be filed with the Court on December 31, 2020 (the Thursday prior to the scheduled conference on January 6, 2021). The intervening holidays have made it more difficult for the parties to confer and consult, particularly in light of the restrictions imposed by the coronavirus pandemic.

5. All parties, through counsel, consent to this requested adjournment.

5. The parties' next scheduled appearance is at the telephonic Initial Pretrial Conference scheduled for January 6, 2021 at 4:00 p.m., which is the subject of this requested two-week adjournment.

Please note that I am working remotely from my apartment, not my office, but can be reached at my business email, and by phone and text on my cell phone at 917-409-9956.

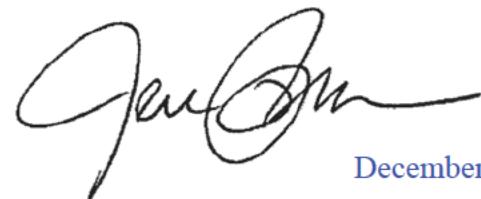
Respectfully submitted,



Al J. Daniel, Jr.

cc: Dov Medinets, Esq., Counsel for Plaintiff (dmedinets@gwpclaw.com)
Andrew S. Berns, Esq., Counsel for Defendant Sara Javed
(aberns@einhornlawyers.com)
T. Edward Williams, Esq., Counsel for Defendant Alina Adams
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The initial pretrial conference -- currently scheduled for January 6, 2021 -- is hereby RESCHEDULED to **January 20, 2021 at 4:00 p.m.** The Clerk of Court is directed to terminate ECF No. 94. SO ORDERED.



December 28, 2020